1942 **File No.** O-Indian Colonial Divorce Juris/42

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Legal **DEPARTMENT**

A **BRANCH**

Subject:—

Opinion under the Indian and Colonial Divorce Jurisdiction Act, 1926

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Sr. No.	Compilation No.	Subject	Pages.
		← ~~The~~ O. Indian Colonial Divorce Jurisdiction 1942.	
		Opinions under the:- Indian and Colonial Divorce Jurisdiction Act. 1926.	
1.	O.No.721 23-1-1942.	Rule Sec. (2) of Sec 1. Whether a dovorcee having a decree absolute can immediately marry before the decree registered in ~~the~~ High Court in England or the Scotland.	1.
	O.No.515Confl. 24-11-1942.	------do------	3

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Sub-section (2) of section 1 of the Indian and Colonial Divorce Jurisdiction Act, 1926, 16 & 17 Geo.5, Ch.40, as it stood upto 1st January 1941, i.e. until it had been effectively amended by the Indian and Colonial Divorce Jurisdiction Act, 1940, 3 & 4 Geo. 6, Ch. 35, provided that a decree for the dissolution of a marriage passed under that Act shall not have " any force or effect either in India or lesewhere unless and until registered in manner hereinafter provided". This requirement of prior registration has, however, been dispensed with fromn 1st January 1941 by the amendment introduced by sections 4 and 7 of the Indian and Colonial Divorce Jurisdiction Act, 1940. Consequently a divrocee who has obtained a decree absolute under that Indian and Colonial Divorce Jurisdiction Act, 1926 and 1940, can, if there be no other lawful impediment to the proposed marriage, take advantage of the decree of divorce even though such decree might not have been actually registered in the High Court in England or in the books of the council and session in Scotland as provided in Sub-section (2) of section 1 of the Indian and Colonial Divorce Juriddiction Act, 1926, as amended by the Act of 1940.

2. It is to be deplored that the Registrar has marked the reference as " Immediate" when as appears to be the case he could have made the reference at a much earlier stage.

Pn. Id/- 23-1-

Remembrancer of Legal Affairs.

U.R.to G.D.No.721 dated 23-1-42.

D.S. (Before Issue)

A.S.R (BeforeIssue)

The point raised by the marriage Registrar in para 5 of his letter at page 1 ante is concluded by the R.D.A. 's opinion No.721, dated the 23rd January 1942 in view of which this reference by G.D. was unnecessary. The marriage may be solemnised before registration in the High Court of England.

PN.. Id/------24/11.

Remembrancer of Legal Affairs.

U.R. to G.D.No.515 Confl.. dated the 24th November 1942.

DYR.

DYR
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